

U.S. Department of the Interior
Bureau of Land Management
Little Snake Field Office
455 Emerson Street
Craig, CO 81625

DOCUMENTATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

NUMBER: DOI-BLM-CO-N010-2013-0040-DNA

CASEFILE/ALLOTMENT NUMBER: 0501189/04097

PROJECT NAME: Renewal of the ten year grazing lease on the Bull Gulch Allotment #04097.

LEGAL DESCRIPTION: see Allotment Map, Attachment 1

Bull Gulch Allotment #04097

T8N R87W por. Secs. 18 and 19
T8N R88W por. Secs. 13 and 24

231 acres BLM
424 acres private
655 acres total

APPLICANT: Ryan Wattles on behalf of Charles Fulton

A. Describe the Proposed Action

Renew the grazing lease #0501189 for a period of ten years, expiring February 28, 2023 on the Bull Gulch Allotment #04097. The lease would be renewed with the same terms and conditions as the expiring lease, which are as follows:

Allotment	Livestock	Dates		%PL	AUMs
Name & Number	Number & Kind	Begin	End		
Bull Gulch	19 Cattle	05/01	05/31	100	19
#04097	50 Sheep	05/01	06/30	100	<u>20</u>
Total					39

The above lease would be subject to the Standard and Common Terms and Conditions, see Attachment 2.

B. Land Use Plan (LUP) Conformance

LUP Name: Little Snake Record of Decision and Approved Resource Management Plan (RMP)

Date Approved: October, 2011

Final RMP/EIS, August, 2010

Draft RMP/EIS, January, 2007

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

The Proposed Action implements the Livestock Grazing Management Goals and Objectives on page RMP-41 of the RMP to manage resources, vegetation, and watersheds to sustain a variety of uses, including livestock grazing, and to maintain the long-term health of the rangelands; provide for efficient management of livestock grazing allotments; and contribute to the stability and sustainability of the livestock industry. The proposed action has been reviewed for conformance with this plan (43 CFR 1610.5 BLM 1617.3). The proposed action of renewal of the grazing permit is in conformance with the Little Snake Record of Decision and Approved Resource Management Plan (ROD/RMP).

C. Identify applicable NEPA documents and other related documents that cover the proposed action.

Renewal of the ten year grazing lease for the Bull Gulch Allotment #4097 (section 15) licensed to Charles E. Fulton and expiring on February 28, 2002, CO-100-LS-02-003 DNA.

The Federal Land Policy and Management Act of 1976, as Amended (43 USC 1752).

Rangeland Reform Final Environmental Impact Statement, December 1994.

Colorado Public Land Health Standards, Decision Record & Finding of No Significant Impact and Environmental Assessment, March 1997.

Standards of Public Land Health, Bull Gulch Grazing Allotment #4097, Attachment 3, CO-100-LS-02-003 DNA.

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed? Is the current proposed action located at a site specifically analyzed in an existing document?

Yes, renewal of the grazing lease would be for the same AUMs, period of use, delineated acreage, and type of livestock that was analyzed in the Draft EIS for the Little Snake RMP (Appendix L, page L-10). This information was unchanged in the Final EIS.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, and resource values?

Yes, the range of alternatives addressed in the RMP EIS and ROD documents are appropriate to the current proposed action. Current environmental concerns, interests, and resource values are the same as those in 2010. No new alternatives have been proposed by the public to address current or additional issues or concerns on this allotment. No new information has been identified that requires change or consideration of new alternatives.

3. Is the existing analysis valid in light of any new information or circumstances?

The previous analysis remains valid. No new threatened or endangered plant or animal species have been identified on the Bull Gulch Allotment #04097. The allotment lies within priority habitat for greater sage-grouse, a BLM sensitive species. The proposed action is consistent with RMP provisions for the protection and maintenance of greater sage-grouse.

Subject to WO-IM 2011-154 and in accordance with BLM policy, the proposed project area was evaluated for suitability as lands with wilderness characteristics and did not meet the size criteria for an area greater than 5,000 acres. Therefore, the proposed action would not affect lands with wilderness characteristics.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Yes, the methodology and analytical approach used in the existing NEPA documents continue to be appropriate for the proposed action. Impacts to all resources were identified.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current proposed action?

Direct and indirect impacts of the proposed action are unchanged from those identified in the existing NEPA documents. Impacts from livestock grazing on the Bull Gulch Allotment #04088 have been addressed in the applicable NEPA documents, including impacts to upland vegetation,

wildlife, cultural resources, visual resources, and recreation use. No new site-specific impacts have been identified.

The proposed action would provide for at least the minimum legal requirements for cultural resources management and protection and would generally result in benefits through cultural resource data acquisition resulting from required cultural resource survey work.

Previously identified sites and new sites recorded and evaluated as eligible and/or need data during a Class III survey will need to be monitored. Initial recordation of new sites and reevaluation of the known sites will establish the current condition of the resource and help in developing a monitoring plan for these sites. Some sites will have to be monitored more often than others. Sites that are found to be impacted by grazing activities will need physical protection or other mitigative measures developed, see Attachment 4.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action substantially unchanged from those analyzed in the existing NEPA document(s)?

Yes. The cumulative impacts that would result from implementation of the proposed action would remain unchanged from those identified in the existing NEPA documents. No additional activities have been proposed that would change the impacts resulting from the proposed action.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. There was extensive public outreach through scoping and involvement of the public and other agencies in the development of the RMP/EIS. The proposed action was included in the development of the RMP/EIS. A letter was sent to the Uinta and Ouray Tribal Council, Southern Ute Indian Tribe, Ute Mountain Tribal Council, and the Colorado Commission of Indian Affairs on October 14, 2004. BLM also sent out a notice to the above entities on March 7, 2012 requesting any comments for grazing permits and leases that were to expire in FY 13. No comments were received.

The Little Snake Field Office sent out a Notice of Public Scoping on December 16, 2011 to all interested publics to determine the level of public interest, concern, and resource conditions on the grazing allotments that were up for renewal in FY 13. A Notice of Public Scoping was posted on the internet, at the Colorado BLM Home Page, asking for public input on permit and lease renewals. No comments specific to this proposed action were received. All interested publics for the Bull Gulch Allotment #04097 will receive copies of the proposed decision.

E. Interdisciplinary Analysis:

Title	Resource	Date
Ecologist	Air Quality, Floodplains Prime/Unique Farmlands, Water Quality – Surface, Wetlands/Riparian Zones	4/23/13
Archaeologist	Cultural Resources, Native American Concerns	5/2/13
Realty Specialist	Environmental Justice	4/22/13
Environmental Coord. NEPA	Hazardous Materials	5/10/13
Rangeland Management Spec.	Invasive Non-native Species	4/29/13
Rangeland Management Spec.	Sensitive Plants, T&E Plant	4/26/13
Wildlife Biologist	T&E Animal	5/3/13
Rangeland Management Spec.	Water Quality - Ground	5/10/13
Recreation Specialist	WSA, W&S Rivers, ACECs, LWCs	5/22/13
Wildlife Biologist	Animal Communities	5/3/13
Wildlife Biologist	Special Status, T&E Animal	5/3/13
Rangeland Management Spec	Plant Communities	5/10/13
Rangeland Management Spec	Special Status, T&E Plant	4/26/13
Ecologist	Riparian Systems	4/23/13
Ecologist	Water Quality	4/23/13
Ecologist	Upland Soils	4/23/13

Land Health Assessment

This action has been reviewed for conformance with the BLM's Public Land Health Standards adopted February 12, 1997. This action will not adversely affect achievement of the Public Land Health Standards. Standards assessment conducted on October 9, 2002 by a rangeland management specialist and a wildlife biologist.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

Signature of Lead Specialist_____

Date_____

Signature of NEPA Coordinator_____

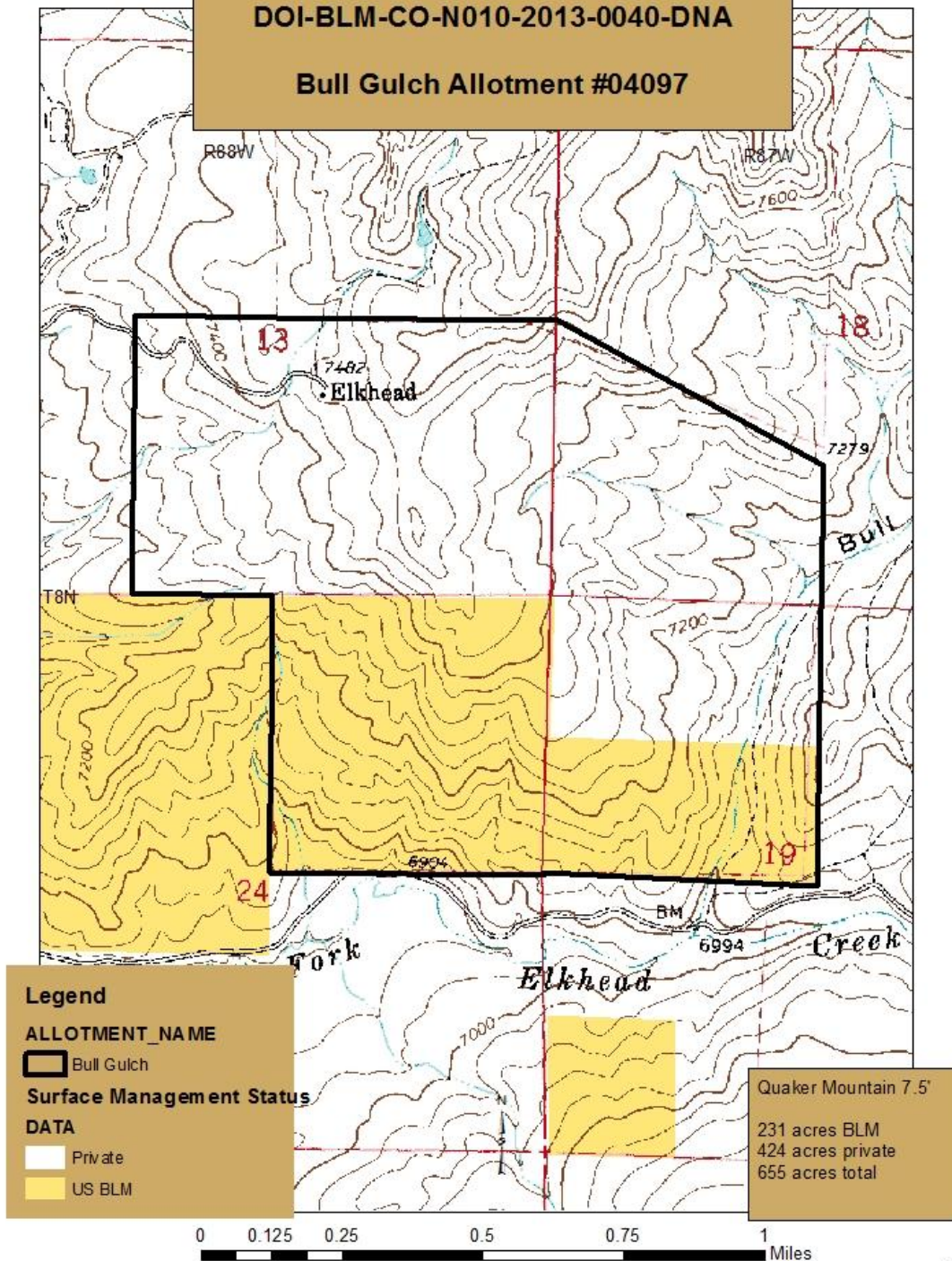
Date_____

Signature of the Authorizing Official /s/ Wendy Reynolds
Wendy Reynolds, Field Manager

Date 6/3/13

Note: The signed Conclusion on this document is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.

Attachment 1
DOI-BLM-CO-N010-2013-0040-DNA
Bull Gulch Allotment #04097



ATTACHMENT #2
DOI-BLM-CO-N010-2013-0040-DNA
TERMS AND CONDITIONS

Standard Terms and Conditions

- 1) Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
- 2) They are subject to cancellation, in whole or in part, at any time because of:
 - a. Noncompliance by the permittee/lessee with rules and regulations;
 - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based;
 - c. A transfer of grazing preference by the permittee/lessee to another party;
 - d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described;
 - e. Repeated willful unauthorized grazing use;
 - f. Loss of qualifications to hold a permit or lease.
- 3) They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans **MUST** be incorporated in permits and leases when completed.
- 4) Those holding permits or leases **MUST** own or control and be responsible for the management of livestock authorized to graze.
- 5) The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
- 6) The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
- 7) Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
- 8) Livestock grazing use that is different from that authorized by a permit or lease **MUST** be applied for prior to the grazing period and **MUST** be filed with and approved by the authorized officer before grazing use can be made.
- 9) Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.

- 10) Grazing fee payments are due on the date specified on the billing notice and MUST be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.
- 11) No member of, or Delegate to, Congress or Resident Commissioner, after his/her election of appointment, or either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C. 22), 18 U.S.C. Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

Common Terms and Conditions

- A) Grazing use will not be authorized in excess of the amount of specified grazing use (AUM number) for each allotment. Numbers of livestock annually authorized in the allotment(s) may be more or less than the number listed on the permit/lease within the grazing use periods as long as the amount of specified grazing use is not exceeded.
- B) Unless there is a specific term and condition addressing utilization, the intensity of grazing use will insure that no more than 50% of the key grass species and 40% of the key browse species current years growth, by weight, is utilized at the end of the grazing season for winter allotments and the end of the growing season for allotments used during the growing season. Application of this term needs to recognize recurring livestock management that includes opportunity for regrowth, opportunity for spring growth prior to grazing, or growing season deferment.
- C) Failure to maintain range improvements to BLM standards in accordance with signed cooperative agreements and/or range improvement permits may result in the suspension of the annual grazing authorization, cancellation of the cooperative agreement or range improvement permit, and/or the eventual cancellation of this permit/lease.
- D) If used, salt and/or other mineral supplements shall be placed at least one-quarter mile from water sources or in such a manner as to promote even livestock distribution in the allotment or pasture.
- E) Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further,

pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

The operator is responsible for informing all persons who are associated with the allotment operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any allotment activities or grazing activities, the operator is to immediately stop activities in the immediate vicinity and immediately contact the authorized officer. Within five working days the authorized officer will inform the operator as to:

- whether the materials appear eligible for the National Register of Historic Places;
- the mitigation measures the operator will likely have to undertake before the identified area can be used for grazing activities again.

If paleontological materials (fossils) are uncovered during allotment activities, the operator is to immediately stop activities that might further disturb such materials and contact the authorized officer. The operator and the authorized officer will consult and determine the best options for avoiding or mitigating paleontological site damage.

- F) No hazardous materials/hazardous or solid waste/trash shall be disposed of on public lands. If a release does occur, it shall immediately be reported to this office at (970) 826-5000.
- G) The permittee/lessee shall provide reasonable administrative access across private and leased lands to the BLM and its agents for the orderly management and protection of public lands.
- H) Application of a chemical or release of pathogens or insects on public lands must be approved by the authorized officer.
- I) The terms and conditions of this permit/lease may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180.

ATTACHMENT #3
DOI-BLM-CO-N010-2013-0040-DNA
Standards and Assessments*
Bull Gulch Allotment #04097

STANDARD 1. Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate, land form, and geologic processes. Adequate soil infiltration and permeability allows for the accumulation of soil moisture necessary for optimal plant growth and vigor, and minimizes surface runoff.

The vegetation and soil components on this allotment are healthy and in good condition. The upland soils are in good condition with little or no sign of active erosion. Canopy and ground cover is adequate. Litter is present and abundant. A diversity of vigorous and desirable plant species is well represented with a variety of root depths and satisfactory plant structure. All indicators of this standard are present and meet land health standards.

STANDARD 2. Riparian systems associated with both running and standing water functions properly and has the ability to recover from major disturbances such as fire, severe grazing, or 100-year floods. Riparian vegetation captures sediment and provides forage, habitat, and biodiversity. Water quality is improved or maintained. Stable soils store and release water slowly.

The shallow drainages in this allotment are intermittent with seasonal water flow resulting from snow-melt in the spring and from thunderstorm activity in the summer and fall. Bull Gulch itself is an intermittent creek, predominantly on private land that crosses about ¼ mile of BLM land before emptying into Elkhead Creek about 1/8 mile further downstream. There is not distinct riparian area, however, the drainage is well vegetated with desirable upland species and appears capable of withstanding high water flows associated with spring run-off and thunderstorm activity. All indicators of this standard are present and meet land health standards.

STANDARD 3. Healthy, productive plant and animal communities of native and other desirable species are maintained at viable population levels commensurate with the species and habitat potential. Plants and animals at both the community and population levels are productive, resilient, diverse, vigorous, and able to reproduce and sustain natural fluctuations and ecological processes.

The plant community on this allotment consists of a dense and diverse herbaceous layer with an overstory of healthy, mixed age class native shrubs and trees. The vegetation provides excellent habitat for wildlife sufficient to sustain recruitment and mortality fluctuations. The structure and composition of the vegetation provides needed habitat for small mammals and songbirds within the allotment. All indicators of this standard are present and meet land health standards.

STANDARD 4. Special status, threatened, and endangered species (federal and state), and other plants and animals officially designated by BLM, and their habitats are maintained or enhanced by sustaining healthy native plant and animal communities.

There are no threatened or endangered plant or animal species present, however, this allotment provides suitable nesting and brood-rearing habitat for sharp-tailed grouse and nesting habitat for birds of prey. The allotment is on the edge of greater sage-grouse habitat. Although most of the allotment provides marginal habitat for this species due to oakbrush and aspen stands, a small area could potentially be used by sage-grouse. Vegetative communities on the allotment are in good condition, providing productive habitat for sensitive wildlife species. This standard is met within the Bull Gulch Allotment.

STANDARD 5. The water quality of all water bodies, including ground water where applicable, located on or influenced by BLM lands will achieve or exceed the Water Quality Standards established by the State of Colorado. Water Quality Standards for surface and ground waters include the designated beneficial uses, numeric criteria, narrative criteria, and anti-degradation requirement set forth under State law as found in 5 CCR 1002-8, as required by Section 303 of the Clean Water Act.

This standard is met within the Bull Gulch Allotment. No perennial streams run directly through the allotment. Runoff from snow-melt and summer storms drains from the affected lands into stream segments that are presently supporting classified uses.

*Standards assessment conducted on October 9, 2002 by a rangeland management specialist and a wildlife biologist.

ATTACHMENT #4
DOI-BLM-CO-N010-2013-0040-DNA
Bull Gulch Allotment #04097
Cultural Resources and Native American Concerns

Affected Environment: The BLM's authorization of grazing permits is considered an undertaking subject to compliance with Section 106 of the National Historic Preservation Act (NHPA). The BLM has the legal responsibility to consider the effects of its actions on cultural resources located on federal land. BLM Manual 8100 Series; the Colorado State Protocol; and BLM Colorado Handbook of Guidelines and Procedures for Identification, Evaluation, and Mitigation of Cultural Resources provide guidance on Section 106 compliance requirements to meet appropriate cultural resource standards. Section 106 of NHPA requires federal agencies to: 1) inventory cultural resources within federal undertaking Area of Potential Effects (APE), 2) evaluate the significance of cultural resources by determining National Register of Historic Places (NRHP) eligibility and, 3) consult with applicable federal, state, and tribal entities regarding inventory results, National Register eligibility determinations, and proposed methods to avoid or mitigate potential impacts to eligible sites.

In Colorado, the BLM's NHPA obligations are carried out under a Programmatic Agreement (PA) among the BLM, the Advisory Council on Historic Preservation, and the State Historic Preservation Officer (SHPO). Should an undertaking be determined to have "no effect" or "no adverse effect" by the BLM-LSFO archaeologist, the undertaking may proceed under the terms and conditions of the PA. If the undertaking is determined to have "adverse effects," project-specific consultation is then initiated with the SHPO. Additionally, cultural resources assessment of grazing allotments follows the procedures and guidance of the Colorado BLM State Director as provided in BLM Instructional Memorandums (IMs) IM-WO-99-039, IM-CO-99-007, IM-CO-99-019, and IM CO-2002-29.

The culture history of northwestern Colorado is presented among several recent context studies. Reed and Metcalf's (1999) study of the Northern Colorado River Basin provides applicable prehistoric and historic overviews as compiled by Frederic J. Athearn (1982) and Michael B. Husband (1984). A historical archaeology context also was prepared for the State of Colorado by Church et al. (2007). Furthermore, significant cultural resources administered by the BLM-LSFO are provided in a Class 1 (archival) overview (McDonald and Metcalf 2006), in addition to valuable contextual data provided by synthesis reports of archaeological investigations conducted for a series of large pipeline projects in the BLM-LSFO management area (Metcalf and Reed 2011; Rhode and others 2010; Reed and Metcalf 2009).

A Class 1 cultural resources assessment was completed for the Bull Gulch Allotment by BLM-LSFO Archaeologist Kim Ryan on May 2, 2013. Data reviewed were obtained from BLM-LSFO cultural program project files, site reports, and atlases, in addition to BLM-maintained General Land Office (GLO) plats and patent records. Electronic files also were reviewed through online cultural resource databases including *Compass* (maintained by the Colorado Office of Archaeology and Historic Preservation) the Routt County Register of Historic Places, and the National Register Information System (NRIS; maintained by the National Park Service). The

results of archival research are summarized in the following table; data provided are focused on BLM-administered lands within the specified allotment, and based on information available from the above-referenced sources.

Allotment No. (BLM acres)	BLM Acres Previously Surveyed	BLM Acres <u>NOT</u> Surveyed	Percent of BLM Acres Inventoried Within Allotment	Identified NRHP- Eligible or Needs Data Sites	Estimated Sites Within Allotment*	Estimated NRHP- Eligible or Needs Data Sites Within Allotment*
4097 (231)	0	231	0	0	2	0

*Estimated site density as based on existing inventory data. Estimates may be revised (up or down) by future inventories and/or consultations.

Background research indicates that no cultural resource surveys or sites are documented for BLM-administered lands within Bull Gulch Allotment. Further review of historic-age GLO plats shows evidence of possible features within the current permit area including multiple fence lines, and unnamed road segments, however, such features would not be considered significant (or NRHP-eligible) if evidence of such even remains. The reviewed plats show fenced grazing tracts and patents, and serve as historic evidence of long-term grazing within the allotment and surrounding vicinity.

Estimating the amount of cultural resources present within the Bull Gulch Allotment is difficult because of the lack of prior cultural resources survey. Likewise, few cultural resource investigations have been conducted in the immediate vicinity. Based on the available data for the allotment and surrounding area, it is likely that one or two historic-age sites (and/or features) exist within Bull Gulch Allotment, however, none are expected to be determined as NRHP-eligible. As such, cultural resources inventory for a portion of BLM-administered lands within the Bull Gulch Allotment should be conducted within 10 years of permit issuance. Subsequent inventory should focus on areas of livestock concentration, and where historic-age maps indicate potential for cultural resources. If, as a result of new assessment, NRHP-eligible sites or features are found to exhibit potential for or actively occurring impacts, mitigation measures will be identified and implemented in consultation among the BLM-LSFO and SHPO.

Environmental Consequences, Proposed Action: Direct impacts to historic properties where livestock concentrate may include trampling, chiseling, and churning of site soils, cultural features and artifacts, artifact breakage, and impacts from standing, leaning, or rubbing against historic structures, above-ground cultural features and/or rock art (Broadhead 2001; Osbourn et al. 1987). Indirect impacts from livestock concentrations may include increased soil erosion and gullyng, in addition to increased potential for unlawful artifact collection and/or vandalism of cultural resources. Other indirect impacts may include degradation of the historic setting, thereby detracting from the view-shed and historic feeling of nearby cultural resource sites.

Environmental Consequences, Cumulative Impacts: Cumulative impacts to historic properties may occur within or adjacent to the allotment, including areas within the allotment view-shed. However, the region has been historically grazed (for more than 50 years) and the intensity of livestock use has generally decreased over time. Any extant historic property within or adjacent to the allotment—and where potential for impacts exist—are more likely to have

sustained impacts as a result of prior livestock/grazing activities or other historic land-use activities (e.g., mining, agriculture, etc.). Although continued livestock use may not pose additional, direct impacts in areas where prior grazing was intensive, secondary effects such as increased erosion could cause long-term, irreversible effects to historic properties, where present. Livestock use also has increased ground visibility over time as a result of increased erosion and decreased ground cover, and by the installation and/or removal of range improvements such as stock ponds and pipelines. These factors may result in the exposure of cultural deposits that would otherwise remain obscured or buried, thereby raising the potential for illegal collection of cultural materials.

Mitigation Measures, Proposed Action: Cultural resources survey for a portion of BLM-administered lands within the Bull Gulch Allotment should occur within 10 years of permit issuance. Any cultural resources identified as NRHP-eligible also should be assessed for potential livestock impacts. Continued livestock use of the area is appropriate, provided that any identified impacts to NRHP-eligible resources are mitigated. Should the BLM-LSFO determine that livestock grazing is having an adverse effect on historic properties, mitigation will be developed in coordination with the SHPO.

References

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NATIVE AMERICAN RELIGIOUS CONCERNS

Affected Environment: Four Native American tribes have cultural and historical ties to lands administered by the BLM-LSFO. These tribes include the Eastern Shoshone, Ute Mountain Ute, Uinta and Ouray Agency Ute, and the Southern Ute.

American Indian religious concerns are legislatively considered under several acts and Executive Orders including the American Indian Religious Freedom Act, the Native American Graves Environmental Assessment Protection and Repatriation Act, and Executive Order 13007 (Indian Sacred Sites). In sum, and in concert with other provisions such as those found in the NHPA and Archaeological Resources Protection Act, these acts and orders require the federal government to carefully and proactively consider the traditional and religious values of Native American culture and lifeways to ensure, to the greatest degree possible, that access to sacred sites, treatment of human remains, the possession of sacred items, conduct of traditional religious practices, and the preservation of important cultural properties are not unduly infringed upon. In some cases, these concerns are directly related to “historic properties” and “archaeological resources.” Likewise, elements of the landscape without archaeological or human material remains also may be involved. Identification of Native American concerns is normally completed during land-use planning efforts, reference to existing studies, or through direct consultation with tribes.

Consultation for the type of proposed undertaking is consulted on annually with the aforementioned tribes. Letters were sent to the tribes in the spring of 2012 describing general range permits and projects as planned for the 2013 fiscal year. No comments were received. Project-specific consultation is typically not conducted unless activities are proposed within a previously identified area of tribal concern or if an undertaking may involve culturally significant items, sites and/or landscapes.

Environmental Consequences, Proposed Action: Items, sites, or landscapes determined as culturally significant to the tribes can be directly or indirectly impacted. Direct impacts may include, but are not limited to, physical damage, removal of objects or items, and activities construed as disrespectful (e.g., installation of portable toilets, holding pens, or water control features near a sacred site). Indirect impacts may include, but are not limited to, prevention of

access (hindering the performance of traditional ceremonies and rituals), increased visitation of an area, and potential loss of integrity related to religious feelings and associations.

There are no known items, sites, or landscapes determined as culturally significant to the tribes within or immediately adjacent to the permit area. The proposed action does not prevent access to any known sacred sites, prevent the possession of sacred objects, or interfere with the performance of traditional ceremonies and/or rituals.

Environmental Consequences, Cumulative Impacts: Continued livestock grazing has the additive effect of altering the landscape from that ancestrally known by the tribes. Although specific, culturally sensitive sites have not been identified within the allotment or immediate vicinity, the overarching concern is for cumulative effects that modern culture and/or developments cause upon the landscape.

Mitigation Measures, Proposed Action: There are no known adverse impacts to any culturally significant items, sites, or landscapes. If new information is provided by consulting tribes, additional or edited terms and conditions for mitigation may be required to protect resource values.